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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
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OFFICE OF PETITIONS

In re Application of
Seiji Tawraya, et al.
Application No. 10/628,791
Filed: July 28, 2003
Attorney Docket No. CU-5983

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ON PETITION

This is a decision in response to the petition filed October 24, 2007¹, to revive the above-identified application under the provisions of 37 CFR 1.137(a).

The petition is **DISMISSED**.

A review of the record reveals that the application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed August 22, 2005, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on November 23, 2005. A Notice of Abandonment was mailed on March 9, 2006. In response, on September 17, 2007, a petition to revive under 37 CFR 1.137(a) and a Request for Continued Examination under 37 CFR 1.114 were filed; however, the papers were directed to an incorrect application number. It is noted that while the transmittal letter of September 17, 2007 indicates that a Petition For Revival Of An Application For Patent Abandoned Unintentionally is being filed along with the requisite \$1,500 petition fee, a Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR 1.137(A) was filed.

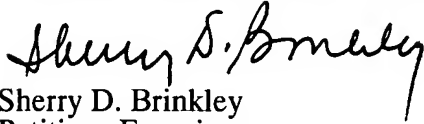
A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed;² (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

¹ The original petition was filed on September 17, 2007. A copy of the papers filed September 17, 2007 was provided on October 24, 2007 to include the correct application number.

² In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

A handwritten signature in black ink, appearing to read "Sherry D. Brinkley". The signature is written in a cursive, flowing style.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions